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In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : 9.10.2006.

Anwar Jahan Begum .... petitioner.

vs

Zaigam Ali Khan and others .. Respondents.

Coram Hon'ble Ms. Justice Kiran Anand Lall.

Present: Mr.G.N.Malik,Advocate,for the petitioner.

Kiran Anand Lall, J.

In a suit for declaration and injunction, pending between Zaigam Ali Khan etc. and Shehzad Ali Khan etc., the petitioner applied to the trial court for her impleadment as a party, thereto, on the ground that she has vested interest in the suit land. The court has dismissed her application, by observing, as follows:-

> ".....Nothing has been mentioned in the application as to what kind of interest, the applicant has in the suit property. No detail of her alleged interest has been mentioned in the application. It is relevant to mention here that the applicant is none else, but real mother of the defendants no.1 to 3. It seems that just to delay the proceedings, the present application has been moved by the applicant. The applicant has failed to show as to how the matter can not be adjudicated upon without impleading her in the present suit...."

A perusal of Annexure P3, which is copy of the application moved for the purpose, by the petitioner, before the trial court, justifies the

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above referred to observations made by the court, while declining her prayer, as she had sought her impleadment as a party to the suit, on the only ground that it is in the interest of justice that she be impleaded and given an opportunity to file written statement and contest the suit and that if her prayer was not allowed, the plaintiffs would succeed in getting a false claim decreed in their favour and resultantly an irreparable loss and injury would be caused to her.

Since there was no material before the trial court to conclude that the petitioner appeared to have some interest in the suit land or that her presence before the court was necessary in order to enable it to effectively and completely adjudicate upon and settle the questions involved in the suit, the impugned order cannot be said to be suffering from any impropriety or legal lacuna.

The petition shall, accordingly, stand dismissed, in limine.

9.10.2006. (Kiran Anand Lall)
vs. Judge.